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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,482	07/08/1998	HIROSHI KIGUCHI	101111	5867
25944	7590	08/25/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				YAMNITZKY, MARIE ROSE
ART UNIT		PAPER NUMBER		
		1774		

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/111,482

KIGUCHI et al.

EXAMINER

YAMNITZKY

ART UNIT

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08232004

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Commissioner for Patents

This communication is in response to applicant's amendment filed April 09, 2004 and supplemental amendment filed May 21, 2004 (resubmitted June 03, 2004). Claims 1, 2, 4-14, 16-18, 20-31 and 35 are pending.

All issues raised with respect to claims 32-34 in the Office action mailed January 21, 2004 are moot since these claims have been cancelled.

The rejections of claim 1 and dependents under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs, as set forth in the Office action mailed January 21, 2004 are overcome by applicant's amendment/supplemental amendment.

Claims 1, 2, 4-14, 16 and 17 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 18 and 20-31, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Process claims 18 and 20-31 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In accordance with the Official Gazette notice, supra, process claim 35, which does not depend from or otherwise include all the limitations of the allowable product, has NOT been rejoined.

Claims 1, 2, 4-14, 16-18 and 20-31 are allowed.

This application is in condition for allowance except for the presence of claim 35 to an invention non-elected with traverse in the reply filed on November 12, 2003 (with postcard receipt showing original filing date of response as December 03, 2002). The examiner left voice mail messages for applicant's representative Richard Elias on August 19 and August 20, 2004 noting the need for authorization to cancel claim 35. No response was received. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner can generally be reached at this number from 6:30 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and every other Wednesday from 6:30 a.m. to 3:00 p.m.

MRY 08/23/04

Attachment: IDS (PTO-1449)

PTO-90C (Rev.04-03)

rec'd Feb. 20, 2004

  
MARIE YAMNITZKY  
PRIMARY EXAMINER 1774